

Lauren Macksoud
Sarah M. Schrag
DENTONS US LLP
1221 Avenue of the Americas
25th Floor
New York, New York 10020
Telephone: (212) 768-6700
Facsimile: (212) 768-6800
Email: lauren.macksoud@dentons.com
sarah.schrag@dentons.com

Robert Richards (admitted *pro hac vice*)
DENTONS US LLP
233 S. Wacker Drive
Suite 5900
Chicago, IL 60606
Telephone: (312) 876-8000
Facsimile: (312) 876-7934
Email: robert.richards@dentons.com

Counsel to TH Holdco LLC

**UNITED STATES BANKRUPTCY COURT
SOUTHERN DISTRICT OF NEW YORK**

In re
85 FLATBUSH RHO MEZZ LLC, et al.,¹
Debtors

Case No. 20-23280 (SHL)
Chapter 11

(Jointly Administered)

**NOTICE OF (I) ENTRY OF ORDER CONFIRMING TH HOLDCO LLC'S
SECOND AMENDED PLAN, (II) OCCURRENCE OF EFFECTIVE DATE, AND
(III) FINAL DEADLINES FOR FILING CERTAIN CLAIMS**

PLEASE TAKE NOTICE that on May 26, 2022, TH Holdco LLC ("TH Holdco") filed

TH Holdco's Second Amended Chapter 11 Plan [Docket No. 211] (together with all schedules

¹ The Debtors (as defined) in these Chapter 11 Cases, along with the last four digits of each Debtor's federal tax identification number, include: 85 Flatbush RHO Mezz LLC (6184); 85 Flatbush RHO Hotel LLC (5027); and 85 Flatbush RHO Residential LLC (2261).

and exhibits thereto, and as amended, supplemented, or modified from time to time, the “Plan”).²

PLEASE TAKE FURTHER NOTICE that a hearing to consider the confirmation of the Plan was held by the United States Bankruptcy Court for the Southern District of New York (the “Bankruptcy Court”) on June 30, 2022.

PLEASE TAKE FURTHER NOTICE that on July 6, 2022, the Bankruptcy Court entered the *Findings of Fact, Conclusions of Law, and Order Confirming TH Holdco LLC’s Second Amended Chapter 11 Plan, As Modified by This Order* [Docket No. 280] (the “Confirmation Order”), which among other things, confirmed the Plan and approved the *Purchase and Sale Agreement By and Between 85 Flatbush RHO Hotel, LLC and 85 Flatbush RHO Residential LLC as Sellers and TH Holdco LLC* filed on June 27, 2022 [Docket No. 268] (the “TH Holdco Purchase Agreement”).

PLEASE TAKE FURTHER NOTICE that, pursuant to the terms of the Confirmation Order, TH Holdco hereby provides notice of (i) entry of the Confirmation Order, and (ii) occurrence of the Effective Date.

PLEASE TAKE FURTHER NOTICE that all conditions precedent to the Effective Date set forth in Section 10 of the Plan have been satisfied or waived in accordance with the terms of the Plan, such that the Plan was substantially consummated, and the Effective Date occurred, on December 21, 2022.

PLEASE TAKE FURTHER NOTICE that, except as otherwise provided in the Plan, requests for payment of Administrative Expenses, if any, must, by the date that is thirty (30) days following the Effective Date: (1) be filed with the Bankruptcy Court, and (2) be served on (a) counsel to TH Holdco LLC, Dentons US LLP, 1221 Avenue of the Americas, 25th Floor,

² Capitalized terms used in this Notice but not otherwise defined herein shall have meaning set forth in the Plan.

New York, New York 10020, Attn: Lauren M. Macksoud (lauren.macksoud@dentons.com;
robert.richards@dentons.com; sarah.schrag@dentons.com); (b) counsel to the Debtors, Leech
Tishman Robinson Brog, 875 Third Avenue, 9th Floor, New York, NY 10022, Attn: Fred B.
Ringel (fbr@leechtishman.com; ls@leechtishman.com); and (c) the Office of the U.S. Trustee
for the Southern District of New York, U.S. Federal Office Building, 201 Varick Street, Room
1006, New York, NY 10014, Attn: Andrea Beth Schwartz (andrea.b.schwartz@usdoj.gov)
(collectively, the “Service Parties”). Each request for payment of an Administrative Expense
must include, at a minimum, (i) the name of the applicable Debtor that is purported to be liable
for the Administrative Expense and, if the Administrative Expense is asserted against more than
one Debtor, the exact amount asserted to be owed by each such Debtor; (ii) the name of the
Holder of the purported Administrative Expense; (iii) the asserted amount of the purported
Administrative Expense; (iv) the basis of the purported Administrative Expense; and
(v) supporting documentation. **FAILURE TO TIMELY AND PROPERLY FILE AND
SERVE A REQUEST FOR PAYMENT OF AN ADMINISTRATIVE EXPENSE SHALL
RESULT IN SUCH ADMINISTRATIVE EXPENSE BEING FOREVER BARRED,
ESTOPPED, AND ENJOINED, AND THE ADMINISTRATIVE EXPENSE CLAIM
SHALL BE DEEMED COMPROMISED, SETTLED, AND RELEASED AS OF THE
EFFECTIVE DATE.**

PLEASE TAKE FURTHER NOTICE that except as otherwise provided in the Bar
Date Order, Proofs of Claim with respect to Claims arising from the rejection of Executory
Contracts or Unexpired Leases, if any, must be filed with the Bankruptcy Court and served on
the Service Parties by the date that is fourteen (14) days following the Effective Date. **ANY
HOLDERS OF CLAIMS ARISING FROM THE REJECTION OF AN EXECUTORY**

CONTRACT OR UNEXPIRED LEASE FOR WHICH PROOFS OF CLAIMS WERE NOT TIMELY FILED AND SERVED SHALL NOT (A) BE TREATED AS A CREDITOR WITH RESPECT TO SUCH CLAIM, OR (B) PARTICIPATE IN ANY DISTRIBUTION IN THE CHAPTER 11 CASES ON ACCOUNT OF SUCH CLAIM, AND ANY CLAIMS ARISING FROM THE REJECTION OF AN EXECUTORY CONTRACT OR UNEXPIRED LEASE NOT TIMELY FILED WITH THE BANKRUPTCY COURT WILL BE AUTOMATICALLY DISALLOWED, FOREVER BARRED FROM ASSERTION, AND SHALL NOT BE ENFORCEABLE AGAINST THE DEBTORS, THE DEBTORS' ESTATES, TH HOLDCO, THE PURCHASER OR THE HOTEL PROPERTY OR RESIDENTIAL PROPERTY FOR ANY OF THE FOREGOING WITHOUT THE NEED FOR ANY OBJECTION BY THE DEBTORS OR TH HOLDCO, FURTHER NOTICE TO, OR ACTION, ORDER, OR APPROVAL OF THE BANKRUPTCY COURT OR ANY OTHER ENTITY, AND ANY CLAIM ARISING OUT OF THE REJECTION OF THE EXECUTORY CONTRACT OR UNEXPIRED LEASE SHALL BE DEEMED FULLY COMPROMISED, SETTLED, AND RELEASED, NOTWITHSTANDING ANYTHING IN THE SCHEDULES OR A PROOF OF CLAIM TO THE CONTRARY.

PLEASE TAKE FURTHER NOTICE that, except as otherwise provided in the Bar Date Order or the Plan, final applications for payment of Fee Claims, if any, must be filed with the Bankruptcy Court and served on the Service Parties by the date that is thirty (30) days following the Effective Date. **FAILURE TO TIMELY AND PROPERLY FILE AND SERVE AN APPLICATION FOR PAYMENT OF A FEE CLAIM SHALL RESULT IN SUCH FEE CLAIM BEING FOREVER BARRED, ESTOPPED, AND ENJOINED, AND**

THE FEE CLAIM SHALL BE DEEMED COMPROMISED, SETTLED, AND RELEASED AS OF THE EFFECTIVE DATE.

PLEASE TAKE FURTHER NOTICE that, in order to continue to receive documents after the Effective Date pursuant to Bankruptcy Rule 2002, Persons and Entities (excluding the U.S. Trustee) must file renewed requests to receive documents pursuant to Bankruptcy Rule 2002.

PLEASE TAKE FURTHER NOTICE that all filed versions of the Plan and other documents filed in the Chapter 11 Cases may be obtained at no charge by calling TH Holdco's attorneys at (212) 768-6700 or by emailing sarah.schrag@dentons.com, or may be viewed by visiting <http://www.nysb.uscourts.gov> in accordance with the procedures and fees set forth therein.

Dated: December 21, 2022
New York, New York

DENTONS US LLP

/s/ Lauren M. Macksoud
Lauren Macksoud
Sarah M. Schrag
DENTONS US LLP
1221 Avenue of the Americas
25th Floor
New York, New York 10020
Telephone: (212) 768-6700
Facsimile: (212) 768-6800
E-mail: lauren.macksoud@dentons.com
sarah.schrag@dentons.com

Robert Richards (admitted *pro hac vice*)
DENTONS US LLP
233 S. Wacker Drive
Suite 5900
Chicago, IL 60606
Telephone: (312) 876-8000
Facsimile: (312) 876-7934
Email: robert.richards@dentons.com

Counsel to TH Holdco LLC

